

**URBAN DEVELOPMENT DEPARTMENT**

Mantralaya, Mumbai 400032, dated 21st February 2007

**NOTIFICATION**

MUMBAI MUNICIPAL CORPORATION ACT, 1888, BOMBAY PROVINCIAL MUNICIPAL CORPORATION ACT, 1949 AND CITY OF NAGPUR CORPORATION ACT, 1948.

No. BNM. 5007/60/CR20/UD 32.—Whereas the Government of Maharashtra is satisfied that circumstances exist which render it necessary to take immediate action to make rules for providing for qualifications and procedure for appointment of nomination of Councillors and for that purpose to dispense with the condition of previous publication thereof under sub-section (2) of section 456A of the Bombay Provincial Municipal Corporations Act, 1949 (Bom.LIX of 1949) and sub-section (1) of section 420 of the City of Nagpur Corporation Act, 1948 (C.P.and Berar II of 1950);

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 5 and section 29 of the Mumbai Municipal Corporation Act (Bom.III of 1888), clause (b) of sub-section (2) of section 5 and section 456A of the Bombay Provincial Municipal Corporations Act, 1949 and sub-section (1) of section 420 of the City of Nagpur Corporation Act, 1948 (C.P.and Berar II of 1950) and of all other powers enabling it in that behalf and in supersession of the Maharashtra Municipal Corporations, Municipal Councils and Nagar Panchayats (qualifications, election and appointment of nominated Councillors) Rules, 1996, the Government of Maharashtra hereby, after consultation with the State Election Commissioner, makes the following rules namely.—

1. *Short Title.*—These rules may be called the Maharashtra Municipal Corporations (Qualifications and appointment of nominated Councilors) Rules, 2007.

2. *Definitions.*—In these rules, unless the context requires otherwise—

(a) "Corporation" means a Municipal Corporation constituted under the relevant Act;

(b) "Commissioner" means Commissioner of the relevant Municipal Corporation;

(c) "Relevant Act" means the Mumbai Municipal Corporation Act, (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom.LIX of 1949) or the City of Nagpur Corporation Act, 1948 (C.P.and Berar II of 1950), as the case may be;

(d) Words and expression used but not defined herein shall have the respective meaning as assigned to them in the relevant Act.

3. *Determination of number of nominated Councillors.*—Subject to the provisions of rule 4, the Mayor shall, in the first meeting of the Corporation after general elections, nominate such number of Councillors, not exceeding ten per cent. of the total number of elected Councillors or five, whichever is less:

Provided that, while determining the number of nominated Councillors, a fraction of less than one-half shall be ignored and a fraction of one half or more shall be reckoned as one.

4. *Qualification for nomination.*—Any person who fulfills any of the following conditions shall be eligible for being nominated as a candidate for the office of the nominated Councillor,—

(a) has an experience as a medical practitioner in a municipal hospital for not less than five years;

(b) has an experience of not less than five years, as a member of recognized non-Government Organisations and community based organisations engaged in social welfare activities working within the area of a Municipal Corporation or a Council;

(c) has an expertise in the field of municipal laws or labour laws;

(d) had been a Councilor for not less than five years;

(e) has an experience of working for not less than two years as a Municipal Commissioner; or

(f) has an experience of working for not less than five years as a Chief Officer of a Council or as a Deputy or Assistant Municipal Commissioner in a Corporation.

5. *Nomination of Councillor.*—In nominating the Councillors the Mayor shall take into account the relative strength of recognized parties or registered parties or groups and nominate the members, as nearly as may be, in proportion to the strength of such parties or groups in the Corporation, after consulting Leader of the House, Leader of Opposition and leader of each of such party or group:

Provided that, nothing contained in this rule shall be construed as preventing the Mayor from nominating any member not belonging to any such party or group.

6. *Publication of results.*—The Commissioner shall, as soon as may be, send the names of the members so nominated, for publication in the *Official Gazette*.

7. *Casual vacancies.*—When a seat of a nominated Councillor becomes vacant, the provisions of these rules shall, *mutatis mutandis*, apply for filling the vacancy.

By order and in the name of the Governor of Maharashtra,

F. B. KHAN,

Deputy Secretary to Government.